

By: Eissler, Swinford

H.B. No. 1470

Substitute the following for H.B. No. 1470:

By: Bonnen

C.S.H.B. No. 1470

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation of the Texas Economic Development Act
3 and to the duties of the comptroller of public accounts and the
4 Texas Education Agency under that Act.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 313.007, Tax Code, is amended to read as
7 follows:

8 Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire
9 December 31, 2011 [~~2007~~].

10 SECTION 2. Section 313.025, Tax Code, is amended by amending
11 Subsections (b) and (d) and adding Subsection (b-1) to read as
12 follows:

13 (b) The governing body of a school district is not required
14 to consider an application for a limitation on appraised value that
15 is filed with the governing body under Subsection (a). If the
16 governing body of the school district does elect to consider an
17 application, the governing body shall deliver three copies of the
18 application to the comptroller and request that the comptroller
19 provide [~~engage a third person to conduct~~] an economic impact
20 evaluation of the application to [~~on behalf of~~] the school
21 district. Except as provided by Subsection (b-1), the comptroller
22 shall conduct the evaluation, which shall be completed and provided
23 to the governing body of the school district as soon as practicable.
24 The governing body shall provide to the comptroller any requested

1 information. A methodology to allow comparisons of economic impact
2 for different schedules of the addition of qualified investment or
3 qualified property may be developed as part of the economic impact
4 evaluation. The governing body shall provide a copy of the
5 evaluation to the applicant on request. The comptroller may charge
6 and collect a fee sufficient to cover the costs of providing the
7 economic impact evaluation. The governing body of a school
8 district shall ~~and~~ approve or disapprove an application before
9 the 121st day after the date the application is filed, unless the
10 economic impact evaluation has not been received or an extension is
11 agreed to by the governing body and the applicant.

12 (b-1) The comptroller shall indicate on one copy of the
13 application the date the comptroller received the application and
14 deliver that copy to the Texas Education Agency. The Texas
15 Education Agency shall determine the impact that the added
16 infrastructure will have on the region and the effect that the
17 applicant's proposal will have on the number or size of the school
18 district's instructional facilities, as required to be included in
19 the economic impact evaluation by Sections 313.026(a)(6) and (9),
20 and submit a written report containing the agency's determinations
21 to the comptroller. The governing body of the school district shall
22 provide any requested information to the Texas Education Agency.
23 Not later than the 45th day after the date the application indicates
24 that the comptroller received the application, the Texas Education
25 Agency shall make the required determinations and submit the
26 agency's written report to the comptroller.

27 (d) ~~[On receipt of an application under this section that~~

1 ~~the governing body elects to consider, the school district shall~~
2 ~~deliver one copy of the application to the comptroller.]~~ Before the
3 61st day after the date the comptroller receives the copy of the
4 application [~~is received~~], the comptroller[~~, using the criteria~~
5 ~~listed in Section 313.026,~~] shall submit a recommendation to the
6 governing body of the school district as to whether the application
7 should be approved or disapproved.

8 SECTION 3. Section 313.026, Tax Code, is amended to read as
9 follows:

10 Sec. 313.026. ECONOMIC IMPACT EVALUATION. (a) The
11 economic impact evaluation of the application must include the
12 following:

- 13 (1) the recommendations of the comptroller;
- 14 (2) the relationship between the applicant's industry
15 and the types of qualifying jobs to be created by the applicant to
16 the long-term economic growth plans of this state as described in
17 the strategic plan for economic development submitted by the Texas
18 Strategic Economic Development Planning Commission under Section
19 481.033, Government Code, as that section existed before February
20 1, 1999;
- 21 (3) the relative level of the applicant's investment
22 per qualifying job to be created by the applicant;
- 23 (4) the wages, salaries, and benefits to be offered by
24 the applicant to qualifying job holders;
- 25 (5) the ability of the applicant to locate or relocate
26 in another state or another region of this state;
- 27 (6) the impact the added infrastructure will have on

1 the region, including:

2 (A) revenue gains that would be realized by the
3 school district; and

4 (B) subsequent economic effects on the local and
5 regional tax bases;

6 (7) the economic condition of the region of the state
7 at the time the person's application is being considered;

8 (8) the number of new facilities built or expanded in
9 the region during the two years preceding the date of the
10 application that were eligible to apply for a limitation on
11 appraised value under this subchapter; and

12 (9) the effect of the applicant's proposal, if
13 approved, on the number or size of the school district's
14 instructional facilities, as defined by Section 46.001, Education
15 Code.

16 (b) The comptroller's recommendations shall be based on the
17 criteria listed in Subsections (a)(2)-(9) and on any other
18 information available to the comptroller, including information
19 provided by the governing body of the school district under Section
20 313.025(b).

21 SECTION 4. Sections 16(a) and (d), Chapter 1, Acts of the
22 79th Legislature, 3rd Called Session, 2006, are repealed.

23 SECTION 5. Sections 313.025 and 313.026, Tax Code, as
24 amended by this Act, apply only to an application for a limitation
25 on appraised value under Chapter 313 of that code in connection with
26 which the governing body of a school district, before the effective
27 date of this Act, has not engaged a third person to conduct an

1 economic impact evaluation. An application for a limitation on
2 appraised value in connection with which the governing body of a
3 school district, before the effective date of this Act, has engaged
4 a third person to conduct an economic impact evaluation is governed
5 by the law in effect immediately before the effective date of this
6 Act, and the former law is continued in effect for that purpose.

7 SECTION 6. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.